



EXHIBIT 5
DATE 3/17/2015
SB 289

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March 13, 2015

Honorable Tom Berry, Chair
House Business and Labor Committee
State Capitol Building, Room 172
Helena, MT 59626

Dear Representative Berry:

The Internet Coalition (IC), comprised of leading Internet, communications and technology companies such as Google, Facebook and Yahoo! who fully support effective disclosures of the source of political advertisements, as it creates and promotes transparency among voters.

However, the lengthy disclosure requirements contained in SB 289 would prevent campaigns from making full use of the Internet, especially when it comes to search engine, mobile media, or any other small display advertising methods.

We respectfully ask that you consider amending the bill during the committee hearing on March 17 to account for the differences between traditional media and advertising in the online world. As introduced, the disclaimer requirements in the bill would make such visual ads largely impractical. For example, as ads appearing on search engine result pages, cell phone screens, instant messages, texts or iPads typically have a limit on how much text can be listed in ads and generally stop at 200 characters.

Montana law can simultaneously give candidates an opportunity to use online social media to reach out to constituents and potential voters, while still allowing for online advertising. Both Maryland and Florida addressed this very issue by including language in their election laws in 2010 that exempts text ads that do not exceed 200 characters and if by clicking on an image ad, it directs users to another Internet website that contains the required disclosures. Attached is potential language, taken from the Florida that we hope you will consider.

Incorporating this language would assure that anyone wishing to find out who paid for a particular ad may do so by simply clicking on the link. As you know, the challenge for adopting laws and regulations is language that can adapt to the Internet, a medium that is ever evolving and new Internet products and services are created and changed almost daily. Including the language suggested above, Montana law will effectively regulate current and new forms of communication yet to be developed.

Thank you for taking the time to look at this issue. I am available any time to answer questions or put you in touch with individual members for further discussions.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Cota".

Tammy Cota

cc: House Business and Labor Committee members

This section does not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- (a) Placed as a paid link on an Internet website, provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with this section.
- (b) Placed as a graphic or picture link where compliance with the requirements of this section is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with this section.
- (c) Placed at no cost on an Internet website for which there is no cost to post content for public users.
- (d) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- (e) Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.
- (f) Contained in or distributed through any other technology-related item, service, or device for which compliance with this section is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with this section impracticable.